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Attorneys for Defendant,
PDL BIOPHARMA, INC.

17 UNITED STATES DISTRICT COURT

18
19 NORTHERN DISTRICT OF CALIFORNIA

20 SAN JOSE DIVISION

21 MEDIMMUNE, LLC,

Case No. CV 08 5590 JF

22 Plaintiff,

Action Filed: December 16, 2008

23 v.

**STIPULATION AND PROPOSED
ORDER REGARDING
MARKMAN HEARING SCHEDULE**

24 PDL BIOPHARMA, INC.,

25 Defendant.

1 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff MedImmune,
2 LLC. ("MedImmune") and Defendant, PDL BioPharma, Inc. ("PDL"). (each, a "Party" and
3 collectively, the "Parties") to the above-captioned litigation (the "Litigation") as follows:
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5 Whereas, the *Markman* hearing and technology tutorial in the Litigation is currently
6 scheduled for September 28, 2009, and the parties have estimated that they will collectively last
7 approximately four hours. D.I. 106, 120, 123.

8 Whereas, it has recently come to the attention of counsel for Plaintiff MedImmune, LLC
9 that the Jewish holiday of Yom Kippur will be observed on September 28, 2009, which will
10 prevent it from attending and participating in the hearing on the scheduled date.

11 Whereas, Counsel for Defendant PDL Biopharma, Inc. has agreed to reschedule the
12 hearing to accommodate this conflict.
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14 Whereas, the parties have conferred and concluded that they are available to participate in
15 a *Markman* hearing and technology tutorial on either October 1 or October 2, 2009, subject to the
16 Court's schedule.

17 Therefore, the parties stipulate and agree that the *Markman* hearing and technology
18 tutorial in the litigation be continued until October 1, 2009, October 2, 2009, or such other date on
19 which the Court is available.
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21

DATED: July 2, 2009

WILLIAMS & CONNOLLY LLP

23 _____ /s/
24 GERSON A. ZWEIFACH
25 PAUL B. GAFFNEY
26 AARON P. MAURER
27 DAVID I. BERL

28
Attorneys for Plaintiff
MEDIMMUNE, LLC

1
2 DATED: July 2, 2009

WEIL, GOTSHAL & MANGES LLP

3
4 _____ /s/
5 MATTHEW D. POWERS
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8 REBECCA FETT
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10
11 Attorneys for Defendant
12 PDL BIOPHARMA, INC.

13
14 **ATTESTATION OF FILER CONCERNING SIGNATURE**

15
16 In accordance with general Order No. 45, Section X, the filer of this document
17 hereby attests that concurrence in the filing of this document has been obtained from each of the
18 signatories listed above.

19
20 DATED: July 2, 2009

21
22 HOWARD RICE NEMEROVSKI CANADY FALK &
23 RABKIN
24 A Professional Corporation

25
26 By: _____ /s/
27 JEFFREY E. FAUCETTE

28
29 Attorneys for Plaintiff
30 MEDIMMUNE, LLC

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2
3 **[PROPOSED] ORDER**

4 The *Markman* hearing and technology tutorial is hereby continued to October 1,
5
6 2009 at 9:00 am/pm.
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8 DATED:
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THE HONORABLE JEREMY FOSEL,
UNITED STATES DISTRICT COURT JUDGE
FOR THE NORTHERN DISTRICT OF
CALIFORNIA

